

JON L. NORINSBERG

ATTN:

U.S.SOUTHERN DIST. COURT

NEW YORK COUNTY

JULIO DIAZ

plaintiff

Index No. 08 CV 6399

- against -

Date Filed .....

Office No.

THE CITY OF NEW YORK, ETAL

defendant

Court Date: / /

STATE OF NEW YORK, COUNTY OF NEW YORK :SS:

**HARRY TORRES** being duly sworn, deposes and says; I am over 18 years of age, not a party to this action, and reside in the State of New York. That on the 23rd day of July, 2008 12:06 PM at NARCOTICS BOROUGH MANH.SOUTH PIER 36 %CLINTON/SOUTH ST, NEW YORK, NY 10002

I served the **SUMMONS AND COMPLAINT**  
**CIVIL COVER SHEET**  
**JUDGES RULES**

upon **DET.JOHN LICATO, SHIELD NO.06738**

**the DEFENDANT** therein named by delivering and leaving a true copy or copies of the aforementioned documents with

**"JOHN SMITH"--CO-WORKER WHO REFUSED TRUE NAME**

a person of suitable age and discretion.

Deponent describes the person served as aforesaid to the best of deponent's ability at the time and circumstances of the service as follows:

SEX: **MALE** COLOR: **WHITE** HAIR: **BLACK** AGE: **45** HEIGHT: **6:1** WEIGHT: **220**  
 OTHER IDENTIFYING FEATURES: **MUSTACHE**

On **07/28/2008** I deposited in the United States mail a true copy of the aforementioned documents properly enclosed and sealed in a post-paid wrapper addressed to the said **DEFENDANT** at the above address. That address being **actual place of employment of the DEFENDANT.**

Copy mailed 1st class mail marked personal & confidential not indicating on the outside thereof, by return address or otherwise that said notice is from an attorney or concerns action against the person to be served.

That at the time of service as aforesaid, I asked person spoken to whether **DEFENDANT** was in the military service of the State of New York or United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid I aver that the **DEFENDANT** is not in the military service, and is not dependent on anyone in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

Sworn to before me this  
 28th day of July, 2008i

**BRETT GOLUB**  
 Notary Public, State of New York  
 No.01G06129491

Qualified in NASSAU  
 Commission Expires 06/27/2009

**HARRY TORRES** 0915257  
 AETNA CENTRAL JUDICIAL SERVICES  
 225 BROADWAY, SUITE 1802  
 NEW YORK, NY, 10007  
 Reference No: 3JLN140033